

Amendments to the Drawings

None

Remarks/Arguments

In this Response to the Office Action, Claims 1, 3 and 5 have been amended, and Claim 2 has been canceled. More particularly, Claim 1 has been amended to include the subject matter of original Claim 2, which was therefore canceled. Claim 3 has been amended to depend from Claim 1 and not the now-canceled Claim 2. Claim 5 has been amended to clarify the rack that is being claimed. Applicants believe no new matter has been presented as these amendments are supported by the application text and drawings as originally filed.

Thus, Claims 1 and 3-12 are pending in this application. Reconsideration and reexamination of the application in view of the amendments and remarks presented herein are respectfully requested.

In the Office Action, the drawings were objected to on grounds that certain claimed features were not shown, and the specification was objected to as failing to provide proper antecedent basis for the claimed subject matter. Applicants respectfully disagree and argue that all of the features and subject matter is properly provided within the application as filed.

In particular, the specification has ample description for the skilled artisan of the Examiner noted items, such as a pivoting element (See for example page 7, lines 5-7 of the filed application), a rack and pinion gearing (See for example p.6, lns.14-16), a means for biasing (See for example p.5, lns.1-3), a means for permitting (See for example p.7, lns.25-26), and a dosing member being manually rotatable to selectively set the dose wherein rotation of the dosing member to increase the dose setting causes the dosing member to move in a direction opposite the distal direction from a retracted position to one of a plurality of extended positions (See for example p.10, lns.1-7 and 16-31). Furthermore, the drawings adequately show a drive member (See for example part 60 in Fig. 5), a dosing member (See for example part 36 in Fig. 1), a pivoting element of the actuator (See for example part 86 in Fig. 1), a rack and pinion gearing (See for example parts 44 and 70 in Fig. 4), a means for

biasing (See for example part 40 in Fig. 3), and a means for permitting (See for example part 200 in Fig. 6). In view of the foregoing, Applicants submit the objections to the specification and drawings are traversed.

In the Office Action, Claim 5 was objected to because of an informality regarding “said rack”. In response, Applicants have amended that Claim to clarify which rack is referenced, and such amendment is believed to overcome fully the objection.

In the Office Action, Claims 1-12 were rejected under 35 USC Section 102(e) as being anticipated by US Patent No. 6,599,272 to Hjertman et al. Applicants submit that Hjertman ‘272 materially differs from the present invention, and Claim 1 is patentable over such reference, especially in view of the foregoing amendments.

In particular, Hjertman ‘272 does not anticipate Claim 1 as it fails to disclose each and every limitation specified in Claim 1, and furthermore does not render such claim obvious in view of the significant differences therebetween. Granted, Hjertman ‘272 does disclose an actuator movable relative to the apparatus housing in a direction transverse to the distal direction. However, and in contrast to the claimed invention, the Hjertman ‘272 actuator does not so move in response to the dosing member operation in an amount that is proportional to the dose set to be delivered. Amended Claim 1 recites “wherein said actuator, responsive to said dosing member being operated to selectively set a particular dose to be delivered, moves from said ready position to a particular dosed position that corresponds to the particular dose selectively set, wherein a distance said actuator moves in the direction transverse to said distal direction during movement from said ready position is proportional to a size of the selected dose.” As nothing within Hjertman ‘272 teaches or suggests such a configuration, which allows relative dose size to be better recognized, it is respectfully submitted that amended Claim 1 is patentably distinct therefrom and that the rejection has been overcome. Furthermore, as Claims 3-12 depend from Claim 1, the rejections thereof are

also believed overcome.

Thus, Applicants submit that all of Claims 1 and 3-12 are in condition for allowance, and requests that a timely Notice of Allowance be issued in this case.

If any extension of time or fees are required with this paper, such are hereby petitioned therefor and the Commissioner is hereby authorized to charge any such fees to Deposit Account No. 05-0840.

The Examiner is invited to contact the undersigned with any questions if such would advance the prosecution of the present application.

Respectfully submitted,

/Edward J. Prein/

Edward J. Prein
Attorney for Applicants
Registration No. 37,212
Telephone: (317) 433-9371

Eli Lilly and Company
Patent Division
P.O. Box 6288
Indianapolis, Indiana 46206-6288

April 3, 2007